

PART 505—COSTS OF INCARCERATION FEE

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§ 505.1 Purpose and scope.

This part establishes procedures for the assessment and collection of a fee to cover the cost of incarceration. The provisions of this part apply to any person who is convicted in a United States District Court and committed to the custody of the Attorney General, and who begins service of sentence on or after January 1, 1995. For purposes of this part, revocation of parole or supervised release shall be treated as a separate period of incarceration for which a fee may be imposed.

§ 505.2 Fee assessment—annual determination of average cost of incarceration.

(a) The Attorney General is required to collect and establish a fee to cover the cost of confinement which is equivalent to the average cost of one year of incarceration. See 28 CFR 0.96c.

(1) For the fiscal year 1995, the fee to cover the cost of incarceration shall be \$21,352. This figure represents the average cost to the Bureau of Prisons of confining an inmate for one year.

(2) The fee is calculated by dividing the number representing the obligation encountered in Bureau of Prisons facilities (excluding activation costs) by the number of inmate-days incurred for

preceding fiscal year, and by then multiplying the quotient by 365. See 28 CFR 0.96c.

(b) The Director of the Bureau of Prisons shall review the amount of the fee not less than annually to determine the cost of incarceration. The new figure shall be published as a notice in the FEDERAL REGISTER.

§ 505.3 Calculation of assessment by unit staff.

Bureau of Prisons Unit Team staff shall be responsible for computing the amount of the fee to be paid by each inmate.

(a) Unit Team staff shall rely exclusively on the information contained in the Presentence Investigation Report and findings and orders of the sentencing court in order to determine the extent of an inmate's assets, liabilities and dependents.

(b) The fee shall be assessed in accordance with the following formula: If an inmate's assets are equal to or less than the poverty level, as established by the United States Department of Health and Human Services and published annually in the FEDERAL REGISTER, no fee is to be imposed. If an inmate's assets are above the poverty level, Unit Team staff shall impose a fee equal to the inmate's assets above the poverty level up to the average cost to the Bureau of Prisons of confining an inmate for one year.

§ 505.4 Inmates exempted from fee assessment.

A fee otherwise required by this part may not be collected from an inmate with respect to whom a fine was imposed or waived by a United States District Court pursuant to section 5E1.2 (f) and (i) of the United States Sentencing Guidelines or any successor provisions.

§ 505.5 Inmates subject to prorated fee assessment.

For any inmate committed to the custody of the Attorney General for a period of less than 334 days (including pretrial custody time), the maximum fee to be imposed shall be computed by prorating on a monthly basis the average cost for one year of confinement.